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OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			SCARITO, JOHN D	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/524,112	HURWITZ ET AL.
	<b>Examiner</b> John D. Scarito	Art Unit 3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 26 July 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-18,23 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18,23 and 35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-166/08)  
Paper No(s)/Mail Date 02/10/2005
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Preliminary Amendment***

Examiner notes receipt of Applicant's preliminary amendment dated 2/10/2005.

Applicant cancelled Claims 19-22, 24-34, & 36-50. As such, Claims 1-18, 23 & 35 remain pending.

***Specification Objection***

The abstract of the disclosure is objected to because the abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text. Correction is required. See MPEP § 608.01(b).

***Minor Claim Objections***

Claims 5, 6, & 13-15 are objected to because of the following informalities:

1. As per Claims 5 & 6, Applicant should review "a retail store" and "a single store" for proper antecedent basis. Further, Applicant may wish to use "plurality" in lieu of "one or more of" "one or more third party concession stands". Lastly, Examiner questions whether all of the stores should be preceded by "retail".
2. As per Claim 13, "user login operation" already holds antecedent basis in Claim 1.

3. As per Claim 14, "user login operation" already holds antecedent basis in Claim
  1. Further, not unlike Claim 5, "a user" already holds antecedent basis. Lastly Examiner suggests "received" in lieu of "placed" for consistency with Claim 1.
4. As per Claim 15, said claim is objected to under 37 CFR 1.75(g). Here, all dependent claims should be grouped together with the claim or claims to which they refer to the extent practicable.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 7, & 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claim 4, the term "remote" in said claim is a relative term which renders the claim indefinite. The term "remote" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. This raises ambiguity, for example,...remote to what?

As per Claim 5, Examiner notes the phrases "having minimal training" and "not skilled" in said claim are relative descriptions which render the claim indefinite. Said phrases are not defined in the claim, the specification does not provide a standard for ascertaining the

requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. If presented with two individuals...how is one of skill in the art to assess that one or the other has “minimal training” or is “not skilled”. This could be very subjective.

As per Claim 7, the term “central” in said claim is a relative term which renders the claim indefinite. This raises ambiguity, for example...central to what?

As per Claim 15, Examiner points out that “the escrow device” is optional language in Claim 3. As such, Examiner will interpret “escrow device” as “secure device”. Further, not unlike Claim 5 and 14, “a user” already holds antecedent basis. Lastly, Applicant includes an additional ‘the’ in “the same *the* payment media” and Examiner suggests “following an unsuccessful user login operation”.

As per Claim 16, “a user” already holds antecedent basis in Claim 1. Further, Examiner suggests “a successful user login operation” and “said successful completion of the processing”.

As per Claim 17, Examiner suggests “said successful completion of the processing”.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 11, 18, & 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Siemens [6,659,340].

Examiner notes that Applicant claims a priority date of 9/6/02 via provisional application 60/408,303. However, upon looking at said provisional application, Examiner did not find support for the terms “payment media” or “input receptacle” or “processing” or “login operation”. As such, Examiner notes that the next earliest priority claim is 2/21/03 via provisional application 60/448,484. In this vein, Examiner applies prior art patent Siemens (6,659,340) as a 102(e) reference but acknowledges that prior publication of said patent (2001/0054643) is a 102(b) reference.

As per Claim 1, Siemens ('340) teaches [a] method of controlling [column 5, line 64, “operation”] a machine that accepts payment media [Abstract, “currency receiving device”] and that requires a user login operation [column 6, lines 1-5], the method comprising: receiving the payment media in an input receptacle of the machine; [column 6, lines 15 & 16, “to place the cash or currency to be deposited onto the input hopper”]

starting processing of the payment media that has been received in the input receptacle; [column 6, line 20, “[a]fter being counted by the currency counter the counted cash drops into the escrow bin”]

performing the user login operation, wherein the step of performing the user login operation can be done before, during or after the step of processing the payment media [column 6, line 4, user enters the PIN” (e.g. before any currency processing)].

Examiner notes that Siemens ('340) does not "lock" user access to the payment media until it drops to the escrow bin and any "rejected currency" is retried [see column 6, lines 25 & 29]. As such, it appears to exhibit functions (e.g. counting) not related to any particular user. Further, Examiner notes that "starting processing" can be reasonably interpreted to include merely receiving the payment media without any further action.

As per Claim 4, Siemens ('340) teaches the method of Claim 1 above. Further, Siemens ('340) teaches the user login operation is performed at the machine [see column 6, lines 1 & 4, "user begins [] by swiping the card" & "user then enters the PIN"], is performed from a location electronically coupled to the machine over a local communication network or is performed from a remote location electronically coupled to the machine over a wide area communication network.

As per Claim 11, Siemens ('340) teaches the method of Claim 1 above. Further, Siemens ('340) teaches the payment media is one or more of currency notes [column 6, line 15, "cash"], currency coins, currency vouchers and currency checks [column 4, line 52].

As per Claim 18, Siemens ('340) teaches the method of Claim 1 above. Further, Siemens ('340) teaches the user login operation is performed using a user interface of the machine. [see column 6, line 4-5, "user then enters the PIN number by touching the designated characters displayed on the touch screen"].

As per Claim 35, Siemens ('340) teaches the machine as follows:

an input receptacle [column 6, line 16, "input hopper"] into which a user of the machine places the

payment media; [see Claim 1 above]

a user interface [column 6, line 5, "touch screen"] through which the user of the machine performs a user login operation; and [see Claim 1 above]

a controller [column 14, lines 27, "[t]he PC acts as a primary controller or processor of the device"] that starts processing of the payment media that has been received in the input receptacle and that performs the user login operation either before, during or after processing the payment media. [see  
Claim 1 above]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, & 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens [6,659,340], as applied in Claim 1, in view of Kenneth et al [5,796,083].

As per Claim 2, Siemens ('340) teaches the method of Claim 1 above. However, Siemens ('340) does not explicitly disclose storing the payment media received in the input receptacle in a secure device until the user login operation is completed. Regardless, Siemens ('340) does disclose a "lockable housing" about an "escrow bin" [see column 6, lines 26 & 21]. Nevertheless, Examiner notes that Applicant indicates that "payment media *may* include one or more of *at least* currency notes, currency coins, currency vouchers and currency checks." [Applicant's Specification, page 6, paragraph 28, emphasis added]. As such, without a specific definition, Examiner reasonably concludes that payment media *could* include a smart card, as well as credit card, debit card, etc. [see Applicant's Specification, page 11, paragraph 76]. These are, of course, literally media used for payment. In this vein, Siemens ('340) teaches receiving such payment media [column 6, line 1, "swiping the card"], processing the payment media [column 6, line 6, "number being checked and accepted"], with user login being performed during the processing (e.g. PIN login). Here, Kenneth (083) teaches that ATMs often include another type of card reader comprising an "input slot", "card feed means", "feed path" and "retractable shutter". [column 3, lines

8, 10, 24, & 27]. Further, Kenneth ('083) teaches holding the card until it has been determined that "an authorized user has completed a valid transaction with the ATM" [column 3, line 52]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to specifically include storing the payment media received in the input receptacle in a secure device until the user login operation is completed. One would have been motivated to do so because "a card [] being used fraudulently" should not be in the possession of said user. Siemens ('340) would specifically benefit from such a card reader by reducing the risk of future frauds from an illegitimate card and/or an imposter.

As per Claim 3, Siemens ('340) as modified teaches the method of Claim 2 above. However, Siemens ('340) does not explicitly disclose the secure device comprises **one** or more of a roll store in the machine, an escrow device in the machine, **or** a secure compartment in the machine. Regardless, Siemens ('340) does disclose payment media "drop[ping] into [an] escrow bin" with a "lockable housing" [see column 6, lines 21 & 25]. Nevertheless, following the logic in Claim 2 above, Kenneth ('083) teaches retention of the payment media (e.g. card) on a "feed path" [column 3, line 27, (e.g. roll store)] or ultimately a "retention bin" [column 3, line 57, (e.g. secure compartment)] until authorized use is assessed. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to include the secure device comprising an escrow device and/or a secure compartment. One would have been motivated to do so given that payment media suspected of fraud should be held to prevent future perpetration of said

fraud. Siemens ('340) would specifically benefit from reduced risks associated with such secure devices.

As per Claim 8, Siemens ('340) teaches the method of Claim 1 above. However, Siemens ('340) does not explicitly disclose the processing of the payment media comprises feeding the payment media through the machine, and the user login operation is performed while the payment media is being fed through the machine. Regardless, in line with Claim 2 above, alternative known card readers have "feed path[s]" [column 3, line 27] in the machine which hold the payment media (e.g. card) and utilize a "magnetic stripe read head" [column 3, line 31] to read card data necessary for login when the card is "transported along the feed path" [column 3, line 32]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to include the feeding of payment media through the machine with said user login operation performed while the payment media is being fed through the machine. One would have been motivated to do so given that card data is essential to proper login for effecting a financial transaction. Further, one attempting a legitimate transaction is not likely to leave his payment media behind without successfully completing his/her transaction. Lastly, login while payment media is being fed through the machine is more efficient and would save time at the terminal permitting more user access. Here, Examiner notes that each process (e.g. login & feeding of payment media) is known, the technical ability exists to combine these processes, the results are predictable, and the processes perform the same function as they would separately.

As per Claim 9, Siemens ('340) as modified teaches the method of Claim 8 above.

Further, Siemens ('340) teaches the processing of the payment media includes at least **one** of counting the payment media, determining a denomination of the payment media and authenticating the payment media. [see column 6, line6, "number being checked and accepted" (e.g. authenticating the payment media) Examiner notes that merely another form of card reader, e.g. card swipe, is being used.] Further, Siemens ('340) supports counting a payment media [column 6, line 20] and determining a denomination of a payment media [column 9, line 63] in a currency embodiment.

As per Claim 10, Siemens ('340) as modified teaches the method of Claim 9 above.

Further, Siemens ('340) teaches the payment media is **one** or more of currency notes, currency coins, currency vouchers and currency checks. Here, Examiner notes that Applicant does not specifically define what he/she intended by "currency voucher". [see Applicant's Specification] As such, this could be broadly interpreted as merely an article evidencing a credit against future expenditures. In this vein, a debit card, smart card, or credit card surely represent a form of currency voucher and media for payment.

Claims 5, 6, 16, 17 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens [6,659,340].

As per Claim 5, Siemens ('340) teaches the method of Claim 1 above. However, Siemens ('340) does not explicitly disclose the machine is located in a retail store, and the user is a cashier of a retail store, a teller, an individual having minimal training in the operation of payment media handling devices or an individual not skilled in the operation of payment media handling devices, wherein a retail store includes **one** or more of at least a single store, multiple stores, one or more third party

concession stands located within a single store and two or more stores located within a mall. Regardless, Siemens ('340) does disclose "three currency receiving devices" [column 16, line 64] at "three customer retail outlets" [column 17, line 1]. Although Siemens ('340) does not specifically allude to the level of technical ability of its "user", one of skill in the art would appreciate that as evidenced by a swiping of a card and entering a PIN [column 6, lines 1-4] he/she appears to be an 'individual' having at least 'minimal training in the operation of payment media handling devices'. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to include said machine located in multiple retail stores and operated by an individual having minimal training in its operation. One would have been motivated to do so given that "paper currency or cash is still extensively used" in places such as "retail stores" [column 1, lines 12 & 14] and such machines logically need to be user friendly for even one of little or no training to use...otherwise their use would be limited. Both the placement of machines in high traffic areas (e.g. retail stores, malls, etc) and general concentration on ease of use would benefit Siemens ('340) through increased use fees and increased user accounts.

As per Claim 6, Siemens ('340) teaches the method of Claim 1 above. However, Siemens ('340) does not explicitly disclose the machine is located in a retail store, and the user is an employee of a company different from a retail store, wherein a retail store includes one or more of at least a single store, multiple stores, one or more third party concession stands located within a single store and two or more stores located within a mall. Regardless, Siemens ('340) does disclose "three currency receiving devices" [column 16, line 64] at "three customer retail outlets" [column 17, line 1]. Further, Siemens ('340) teaches "guards" who retrieve the currency

"from other outlets" and make "deposit[s] at different institutions" [column 1, lines 46, 47 & 50]. In this vein, Siemens ('340) teaches said guards as a user that "swipes his or her card through the card reader [and] enters a PIN". [column 17, lines 22-23]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to include said machine located in multiple retail stores and operated by an employee of a company different from said retail store(s). One would have been motivated to do so given that interaction/transport of payment media is often outsourced to a third party given the nature of the transport, the amounts involved and the need for special equipment to transport said amounts safely and securely.

Alternatively, one of skill in the art would appreciate that most users of a currency receiving machine (e.g. ATM) are literally "employees of a company different from [the] retail store" in which the machine is placed.

As per Claim 16, Siemens ('340) teaches the method of Claim 1 above. However, Siemens ('340) does not specifically disclose notifying a user that the payment media processing has been successfully completed upon occurrence of a successful user login and completion of the processing. Regardless, Siemens ('340) does disclose that "upon completion of a deposit the PC directs the printer to print a receipt, which is emitted through the print receipt slot and torn off by the user". [column 14, lines 40-42]. Here, Examiner notes that the transaction would not have started if login was not complete. [see column 6, lines 6-7]. As such it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to include notifying a user that the payment media processing has been successfully completed after login and completion of

the processing via receipt, prompt, etc. One would have been motivated to do so given that "it can be appreciated that a person skilled in the art would be familiar with the various prompts, instructions, and procedures involved in designing software for accepting user cash deposits." [column 14, lines 33-37)]. Surely one of skill in the art would appreciate that a receipt is a notification (e.g. via new balance, etc) that the transaction was successful. Notification would benefit Siemens ('340) by keeping users informed of their respective account status.

As per Claim 17, Siemens ('340) as modified teaches the method of Claim 16 above. Further, Siemens ('340) teaches storing the payment media in the machine upon a determination of a successful user login operation and completion of the processing. [column 6, lines 6-7, "upon the PIN number being checked and accepted the device enters into a deposit dialogue" & column 6, line 37-38, "if the user selects the touch screen option to proceed with the deposit, access gate will open..."] & column 6, line 40, "the cash will then fall into the canister."].

As per Claim 23, Siemens ('340) does not explicitly disclose [a] machine-readable storage medium that provides instructions for controlling a machine that accepts payment media and that requires a user login operation, the instructions, when executed by a processor, cause the processor to perform the method of Claim 1 above. Regardless, Siemens ('340) teaches that "a software program running on the PC provides a user interface that controls interaction with the user..." [column 14, lines "29-30]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to specifically include a machine-readable storage medium providing instructions for a processor to

perform the method of Claim 1. One would have been motivated to do so given that "it can be appreciated that a person skilled in the art would be familiar with the various prompts, instructions, and procedures involved in designing software for accepting user cash deposits." [column 14, lines 33-37)].

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens [6,659,340], as applied in Claim 1, in view of Official Notice.

As per Claim 7, Siemens ('340) teaches the method of Claim 1 above. However, Siemens ('340) does not explicitly disclose the machine is located at a central location, and users of the machine are employees from plural companies having access to the central location. Regardless, in line with the logic of Claim 6 above, Siemens ('340) contemplates access to its machine by *any* authorized user. [column 6, line 6]. Here, Siemens ('340) teaches access as granted based on login "confirmation" and "approv[al]" [column 17, lines 29-30]. Here, Official Notice is taken that it is old and well established that a central location is often preferred as a marketing tactic to permit resource utilization by a large population. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to include said machine as located at a central location with users comprising employees from plural companies having access to said central location. One would have been motivated to do so given the reality that anyone authorized (e.g. associated with the controller of said machine), regardless of who they independently are employed by, can access machine functionality. Here, a login is a means to audit transactions for "deposit information [to] be correlated with the particular

receptacle" [column 2, line 58] for "[tying to] the financial system" [column 2, line 65] for "accurate financial controls" [column 3, line 2]. This ultimately aids "financial management" of "the identity of the users". [column 9, lines 64-65]. Here, a central location would be desirable to Siemens ('340) to attain convenient accessibility by a diverse population of users. In this vein, Siemens ('340) would not likely limit accessibility to employees of any single company.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens [6,659,340], as applied in Claim 1, in view of Kenneth et al [5,796,083] or, alternatively, in view of Katou et al [6,481,620].

As per Claim 12, Siemens ('340) teaches the method of Claim 1 above. However, Siemens ('340) does not explicitly disclose the machine is capable of dispensing payment media previously accepted into the machine. Regardless, Siemens ('340) does disclose ultimately dispensing the payment media at "a secured and specialized unloading station" [column 19, line 38, e.g. depository bank]. Nevertheless, if interpreted as a card, Kenneth ('083) teaches dispensing the payment media [see Kenneth ('083), column 3, line 53, "return the card"] or alternatively, Katou ('620) teaches a bill recycling machine [see Title]. As such it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to include the machine as capable of dispensing payment media previously accepted into the machine. One would have been motivated to do so given that a non-fraudulent card should be returned to an authorized user. [Kenneth ('083), column 3, line 53]. Alternatively, one would have been motivated because

deposit and withdrawal are common features of currency machines. Here, the use of deposited cash for withdrawals would avoid having to fill alternate currency canisters, avoid duplicative machine components and avoid associated costs; these all would benefit Siemens ('340).

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens [6,659,340], as applied to Claim 1, in view of Kenneth et al [5,796,083] and further in view of Clark [6,081,791].

As per Claim 13, Siemens ('340) teaches the method of Claim 1 above. However, neither Siemens ('340) nor Kenneth ('083) explicitly disclose the processing of the payment media is cancelled following a plurality of user login operation failures. Regardless, Siemens ('340) method does generally support the cancelling of payment media processing after it has begun if a discrepancy is found. [see column 6, line 33, "count displayed does not match"]. Further, as noted earlier, Siemens ('340) does not "lock" user access to the payment media until it drops to the escrow bin and any "rejected currency" is retried [see column 6, lines 25 & 29]. Here, Examiner reiterates that "starting processing" can be reasonably interpreted to include merely 'receiving' the payment media without any further action. In this vein, a user who places payment media "onto the input hopper" (e.g. starting processing) could not go further if the PIN is checked and not accepted because "deposit dialogue with the user" would not commence. [see column 6, lines 6-7]. Nevertheless, Kenneth ('083) teaches utilization of a card as a payment media with further processing being prohibited (e.g. card is sent to the retention bin) if it is being used fraudulently. With this foundation

established, Clark ('791) teaches that ATMs optionally permit a "customer to reenter the correct PIN #...or altre [sic] a given predetermined number of unsuccessful re-entry attempts, the ATM may terminate the transaction, and optionally may retain the debit/credit card." [column 4, lines 51-55]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) and Kenneth ('083) to include cancellation of the payment media processing following a plurality of user login operation failures. One would have been motivated to do so given that legitimacy of the user is undermined by continuous improper PIN combinations. Further, one of skill in the art would appreciate that permitting unlimited login failures increases the chances of fraud being committed. Here, Siemens ('340) would benefit from cancellation of a transaction called into question through a reduction in risk of dealing with a fraudulent perpetrator.

As per Claim 14, Siemens ('340) as modified teaches the method of Claim 13 above. However, neither Siemens ('340) nor Kenneth ('083) explicitly disclose following the plurality of user login operation failures, the machine returns to a user the same payment media that was placed into the input receptacle by the user. Regardless, Siemens ('340) does generally support return of the currency to the user if a discrepancy is found. [see column 6, line 33, "count displayed does not match" & column 6, line 36, "lockable housing is unlocked and the user retrieves the cash"]. In this vein, Kenneth ('083) appears to support return of the payment media (e.g. card) if the card is not deemed to be used fraudulently. [see column 3, line 55]. Here, Clark ('791) specifically states that "alter [sic] a given predetermined number of unsuccessful re-entry attempts, the ATM may terminate the transaction, and

*optionally may* retain the debit/credit card." [column 4, lines 51-55, emphasis added]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) and Kenneth ('083) to include the machine returning to the user the same payment media that was placed into the input receptacle after a plurality of user login operation failures. One would have been motivated to do so given that machine controllers have varying degrees of risk they are willing to take with respect to machine interactions. Although Kenneth ('083) hedges on retaining such a card, it really only teaches actually keeping a card if "a card *is* being used fraudulently." [column 3, line 55]. In contemplation of risk, improper PIN entrance may not rise to the level of fraud, but may just be human error. Here, Kenneth ('083) discloses that the CPU (e.g. as programmed by its controller) will "decide whether or not the card can be used validly...and instruct the [card] reader as to what action to take accordingly." [column 3, lines 5-7]. Here, Siemens ('340) would benefit from cancellation of a transaction called into question through a reduction in risk of dealing with a fraudulent perpetrator or alternatively returning (e.g. non-acceptance) of a possibly fraudulent instrument (e.g. check).

As per Claim 15, Siemens ('340) as modified teaches the method of Claim 3 above. However, Siemens ('340) does not explicitly disclose the same the payment media stored in the [secure] device is returned to a user following an unsuccessful login operation. Regardless, Siemens ('340) does disclose that user access to the payment media is not locked until it drops to the escrow bin and any "rejected currency" is retried [see column 6, lines 25 & 29]. Here, Examiner reiterates that "starting processing" can be reasonably interpreted to

include merely 'receiving' the payment media without any further action. In this vein, a user who places payment media "onto the input hopper" (e.g. starting processing) could not go further if the PIN is checked and not accepted because "deposit dialogue with the user" would not commence. [see column 6, lines 6-7]. As such, the user would merely reclaim his payment media from the hopper after an unsuccessful login operation.

Nevertheless, Examiner points Applicant to the logic and evidence as discussed in Claim 14 above. Here, Examiner points out that Clark ('791) also teaches that the ATM "**may reprompt** the customer to reenter the correct PIN # [or] **[alternatively...the ATM may terminate** the transaction, and **optionally may** retain the debit/credit card." [column 4, lines 51-55] which supports optional return of the payment media after a single login operation. See Claim 14 for the motivation and benefits of such a method.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Scarito whose telephone number is (571) 270-3448. The examiner can normally be reached on M-Th (7:30-5:00), Alternate F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/John D. Scarito/  
Examiner, Art Unit 3692

John D. Scarito  
Examiner  
Art Unit 3692

/Susanna M. Diaz/  
Primary Examiner, Art Unit 3692